

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA

Case No. 5:02CV111-V

FILED
03 SEP 16 AM 9:34
U.S. DISTRICT COURT
W. DIST. OF N.C.

DIRECTV, INC.,

Plaintiff,

v.

**TOM CORRIHER, DANNY CALDWELL,
ROBERT HARRIS, STEVEN JOLLY,
KEITH PAYNE AKA ALEX PAYNE,
ROBERT RHYNE, KEVIN C. SCISM,
CHARLES G. THOMAS, DWAYNE
THOMPSON, DAVID WEATHERFORD,
AND JARED WITHERS,**

Defendants.

**PLAINTIFF'S MOTION FOR
LEAVE TO REISSUE SUMMONS
FOR DEFENDANT CORRIHER**

Fed. R. Civ. P. 4(m)

Plaintiff, DIRECTV, Inc. ("DIRECTV"), hereby moves pursuant to Rule 4(m) of the Federal Rules of Civil Procedure that this Court grant leave to reissue the summons issued for Defendant Tom Corriher for an additional 120 days, so as to permit service until and through January 14, 2004. In support of its motion, DIRECTV shows the following:

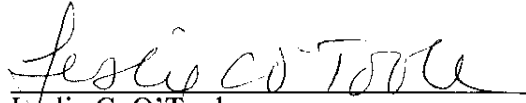
1. The summons for Defendant Tom Corriher was issued on May 19, 2003.
2. Plaintiff attempted on several occasions to obtain personal service upon Defendant Corriher by use of process server at the last-known address.
3. Plaintiff has been diligent in its efforts to effect service of the summons and complaint as required under Rule 4 of the Federal Rules of Civil Procedure, and an extension of the time to effect service will not result in undue prejudice to any party.

For the foregoing reasons, Plaintiff DIRECTV, Inc. respectfully requests that this Court grant its motion for leave to reissue the summons issued for Defendant Tom Corriher for an additional 120 days, so as to permit service until and through January 14, 2004.

RW

RESPECTFULLY SUBMITTED this 15th day of September, 2003.

ELLIS & WINTERS LLP

A handwritten signature in cursive script, reading "Leslie C. O'Toole", written over a horizontal line.

Leslie C. O'Toole

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Julia F. Youngman

State Bar No. 21320

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CERTIFICATE OF SERVICE

I, Leslie C. O'Toole, do certify that I have served a true and correct copy of this motion by depositing a copy thereof in the United States mail, postage prepaid, first class, addressed to the parties as follows:

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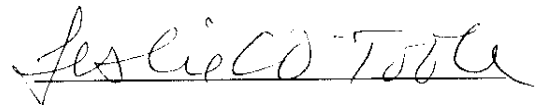
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Attorney for Tim Weaver

This the 15th day of September, 2003.

A handwritten signature in cursive script, reading "Leslie C. O'Toole", written over a horizontal line.

Leslie C. O'Toole